

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:14-00244

DONALD L. BLANKENSHIP

**UNITED STATES' RESPONSE TO
DEFENDANT'S MOTION FOR RELIEF FROM LATE DISCOVERY**

Comes now the United States of America, by the undersigned Assistant United States Attorney, and responds to Defendant's Motion for Relief from Late Discovery (ECF 396).

Defendant's motion concerns materials that the United States provided him as trial approached. The bulk of these are nothing more than certified copies of documents that have been in Defendant's possession since at least December. Additionally, there are Securities and Exchange Commission filings made by Massey, most of which were produced to Defendant in December (in addition to being signed by him when they were originally filed). Also, there are portions of Defendant's own secret recordings of his phone calls, which similarly have long been in the possession of the defense. None of these materials should come as a surprise to Defendant, and no relief is warranted on account of them, particularly since Defendant now has had several days to review them.

Respectfully submitted,

**R. BOOTH GOODWIN II
UNITED STATES ATTORNEY**

/s/ Steven R. Ruby

Steven R. Ruby
Assistant United States Attorney
WV Bar No. 10752
300 Virginia Street, East, Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: steven.ruby@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing “United States Response to Defendant’s Motion for Relief from Late Discovery” has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 5th day of October, 2015 to:

William W. Taylor, III
Blair G. Brown
Eric R. Delinsky
R. Miles Clark
Steven N. Herman
Zuckerman Spaeder LLP
1800 M Street, NW, Suite 1000
Washington, DC 20036

James A. Walls
Spilman Thomas & Battle, PLLC
48 Donley Street, Suite 800
P.O. Box 615
Morgantown, WV 26501

Alexander Macia
Spilman Thomas & Battle, PLLC
P.O. Box 273
Charleston, WV 25321

/s/ Steven R. Ruby
Steven R. Ruby
Assistant United States Attorney
WV Bar No. 10752
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: steven.ruby@usdoj.gov